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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL (L) NO. 1608 OF 2004

The Commissioner of Income Tax ... Appellant

Vs.

M/s. Lok Housing ... Respondent

Mr.S.M. Shah i/by Pankaj Kapoor for Petitioner.

Mr. Keshav B. Bhujle for Respondent.

CORAM: F.I. REBELLO &
J.P.DEVADHAR, JJ.
DATED: AUGUST 21, 2007

P.C.:

. Though in the appeal memo it is set out that the tax effect is Rs.5,96,212/- we find from the assessment order for the year 1987-88 that the penalty imposed was in the sum of Rs.3,44,750/-. In other words, the tax incidence is less than Rs. 4 lakhs.

. In the light of that, and considering the circular of C.B.D.T. the appeal as filed could not have been filed. Hence, appeal dismissed. No order as to costs.

(J.P.DEVADHAR, J.) **(F.I.REBELLO, J.)**